

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
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March 24, 2009

James P. Riley, Esq.
Fletcher, Heald & Hildreth, PLC
1300 North 7th Street, 11th Floor
Arlington, Virginia 22209-3801

Re: WLVA(AM), Lyunchburg, Virginia
Facility Identification Number: 39579
Chesapeake-Portsmouth Broadcasting Corporation
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed March 19, 2009, on behalf of Chesapeake-Portsmouth Broadcasting Corporation ("C-P"). C-P requests special temporary authority ("STA") to operate Station WLVA from a site other than the licensed site.¹ In support of the request, C-P states that the WLVA licensed transmitter site has been lost and that the station is currently silent pursuant to Commission authority. C-P states that it holds Construction Permit BP-20071119AKG, which authorizes a change in frequency to 580 kHz (See Note 1, below.) C-P requests STA for operation on the new frequency with a long wire antenna until it can complete construction of its new facilities. Technical details are provided for the proposed STA operation.

Except for the change in frequency, the requested STA facilities are the same as were previously authorized. We note that Construction Permit BP-20071119AKG includes a Special Operating Condition relative to Station WLES, which is exchanging frequencies with Station WLVA pursuant to Construction Permit BP-20071119AKH. However, our records indicate that Station WLES is operating on its new frequency of 590 kHz pursuant to a separate STA pending completion of construction; therefore there is no impediment to Station WLVA commencing operation on 580 kHz.

Accordingly, the request for STA IS HEREBY GRANTED. Station WLVA may operate with the following facilities:

Coordinates:	37° 19' 08" NL. 79° 16' 34" WL (NAD 1927)
Frequency:	580 kHz
Operating hours:	Unlimited
Operating power:	Not to exceed 0.25 kW daytime, 0.015 kW nighttime
Antenna:	long wire

It will be necessary to further reduce power or cease operation if complaints of interference are received.

¹ WLVA is licensed for operation on 590 kHz with 5 kilowatts daytime and 1 kilowatt nighttime, employing different directional antenna patterns daytime and nighttime (DA-2-U). Construction Permit BP-20071119AKG authorizes a change in frequency to 580 kHz, relocation of the transmitter, and operation with 0.25 kW daytime and 0.015 kW nighttime, employing a nondirectional antenna (ND-2-U).

C-P must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310.

This authority expires on **September 24, 2009**.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law if it does not resume broadcasting on or before July 31, 2009. *See* Pub. Law No. 104-104, 110 Stat. 56, Section 403(1) (1996) and *Order, Silent Station Authorizations*, FCC 96-218 (released May 17, 1996). *See also Public Notice*, Expedited Processing of Applications Filed by Silent Stations, DA 96-818 (May 22, 1996). **The licensee must notify the Audio Division immediately upon resumption of broadcasting.**

STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles N. Miller", with a long horizontal flourish extending to the right.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Chesapeake-Portsmouth Broadcasting Corporation